

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES- Sri Nallagonda Venkata Sairam Prasad,
Executive Engineer, Irrigation Circle, Chittoor –Water Resources
Department-Departmental proceedings under Rule 20 of the A.P.
Civil Services (CC&A) Rules, 1991-Articles of Charges - Issued.

WATER RESOURCES (Vig.II.(V&E) A.1) DEPARTMENT
G.O.RT.No. 308 Dated: 03-05-2016

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O R D E R:

It is proposed to hold an inquiry against Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor in accordance with the procedure laid down under Rule 20 of the A.P Civil Services (CC&A) Rules, 1991 for the alleged charges specified herein.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor, is directed to submit his written statement of defence within (10) days from the receipt of this order and also state whether he desires to be heard in person.

4. Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor is informed that an inquiry will be held only in respect of those articles of charges which are not specifically admitted herein. He should, therefore, specifically admit or deny each article of charge. He is further informed that adequate opportunity for perusal of records will be made available during the course of inquiry.

5. Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor is further informed that if he does not submit his written statement of defence on or before the stipulated time, or does not appear in person before the disciplinary authority or otherwise fails or refuses to comply with the provisions of rule 20 of the APCS (CC&A) Rules 1991, or the orders/directions issued in pursuance of said Rules, the inquiring authority may hold inquiry against him ex-parte.

6. Attention of Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior

authority to further his interest in respect of matters pertaining to his service under the Govt. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings, it will be presumed that Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor through the Engineer-in-Chief (AW), Water Resource Department, Hyderabad.

Copy to:- The Engineer-in-Chief (AW), Water Resources Department, Hyderabad with a request to submit the dated acknowledgement of the individual to the Government without any delay.

//FORWARDED:: BY ORDER//

SECTION OFFICER.

ANNEXURE – I

Statement of articles of charges framed against Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor.

Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor has committed dereliction of duties amounting to misconduct in violation of Rule (3) of APCS (Conduct) Rules 1964, as mentioned in the following Article of Charges.

Article of Charge:I:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer , M.I. division, Kadapa has approved the estimates by adopting excess cement rate, in-appropriate data, non deduction of initial 1KM lead charges and adding seigniorage charges to the basic material cost for the works” 1) Restoration of local vanka near Ottalur SC colony in Pullampeta Mandal, and 2) Restoration of Venkataaiah kunta near Kandavaripalli H/o. Devamachupalli in Chitvel Mandal due to which estimates increased to a tune of Rs.47,282/- & Rs.65,676/- respectively and caused loss to the Government exchequer. The provisions made in the above two estimates are far from the ground reality. Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge:II:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in the aforesaid office has not initiated action on the contractors for the delay in commencement of the works”, 1) Restoration of local vanka near Ottalur SC colony in Pullampeta Mandal, and 2) Restoration of Venkataaiah kunta near Kandavaripalli H/o. Devamachupalli in Chitvel Mandal. Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge:III:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has not check measured the works” 1) Restoration of Mondri Katla (Yerrakunta) near A.G. Palli Village in pullampeta Mandal and 2) Restoration of Chennapakunta near Mugavaripalli Village in Penagalur Mandal as per norms in terms of G.O.Ms.No.390, I&CAD(PW:COD) Dept., dt:30.08.1990. Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge:IV:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has recommended and allowed payment for the substandard execution of works” 1) Restoration of Mondri Katla (Yerrakunta) near A.G. Palli Village in pullampeta Mandal and 2) Restoration of Chennapakunta near Mugavaripalli Village in Penagalur Mandal and causing loss to the Government exchequer to a tune of Rs.2,25,001/- and Rs.1,11,321/- respectively. Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge:V:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has recorded short fall in seigniorage charges for the works” 1)

Restoration of Mandi Katla (Yerrakunta) near A.G. Palli Village in pullampeta Mandal and 2) Restoration of Chennapakunta near Mugavaripalli Village in Penagalur Mandal" to a tune of Rs.33,712/- and Rs.60,462/- respectively. Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge:VI:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has granted EOT for the work" Restoration of Chennapakunta near Mugavaripalli Village in Penagalur Mandal" upto 30/6/2013 without imposing LD's duly violating the Clause 59 of APDSS. Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge:VII:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has allowed the restoration of the bund without any escape structure in the execution of work" Restoration of Mondi Katla (Yerrakunta) near A.G. Palli Village in pullampeta Mandal". Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge:VIII:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has allowed the execution of dry rubble stone pitching at the end of the bund which is purpose less in execution of work " Restoration of Mondi Katla (Yerrakunta) near A.G. Palli Village in Pullampeta Mandal". Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge:IX:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has allowed the formation of the bund up to (+) 100.50m instead of (+) 101.50m duly approving the working estimate for the work " Restoration of Chennapakunta near Mugavaripalli Village in Penagalur Mandal". Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge: X:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has recommended and allowed payment for the bund which is located in the foreshore of the Chukkampalli Tank on forged fake Q.C certificate for the execution of work " Restoration of Mondi Katla (Yerrakunta) near A.G. Palli Village in Pullampeta Mandal". Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge: XI:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has furnished the false information to the V&E officials. Thus, he has committed dereliction of duties amounting to misconduct.

Article of Charge: XII:- That the said Sri N.V.Sairam Prasad, while functioning as Executive Engineer in aforesaid office has recommended the payment without any Q.C certificate for the execution of work "Restoration of Chennapakunta near

Mugavaripalli Village in Penagalur Mandal". Thus, he has committed dereliction of duties amounting to misconduct.

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER.

ANNEXURE –II

Statement of Imputations of misconduct or misbehavior in support of the charges framed against Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor.

1) The General (Vigilance & Enforcement) department verified the following four works taken up by the I&CAD Department on 28/12/2013, 17/1/2014 and 25/1/2014 and submitted their report No.28, dt:31/10/14.

- i) Restoration of Local Vanka near Ottalur SC colony in Pullampeta Mandal.
- ii) Restoration of Mondi Katla (Yerrakunta) near A.G.Palli Village in Pullampeta Mandal.
- iii) Restoration of Chennapakunta near Mugavaripalli Village in Penagalur Mandal.
- iv) Restoration of Venkataaiah Kunta near Kandrarivaripalli, H/o. Devamachupalli in Chitvel Mandal.

2) During verification of the said above 4 works, the V&E has made the following observations:-.

A) At the time of preparation of estimates, designs & stability of structures should have been thoroughly checked as per guidelines. Contrary to the guidelines, the estimates have been prepared without proper investigation and provisions made in the estimate are far away from the field conditions.

B) The V & E Officials vide C.No.676/V&E/ENGG/KDP/2013, dt:18.09.2013 has requested the Executive Engineer, Minor Irrigation Division, Kadapa to furnish the information from S.No.1 to 8 of their report on four works. The Executive Engineer has submitted the information from serial No.1 to 4 and stated that with regard to furnishing information on serial No.5 to 8 (ie., EOT details, Expenditure details, Quality Control certificate and compliance report) does not arise as the works are not grounded. But the final bill was paid to the contractor on 28.06.2013 and the same was confirmed by the Pay and Accounts Officer, Kadapa. This clearly shows that the Executive Engineer has misled the V&E officials duly giving false information.

C) During the scrutiny of following works the following deficiencies are noticed.

i) Restoration of Local Vanka near Ottalur SC colony in Pullampeta Mandal

a) Due to adoption of rate of Cement @ Rs.5,500 per MT instead of Rs.5,100 per MT, adding the seigniorage charges to the basic material cost, Non deduction of initial 1Km lead charges from the total lead charges, the estimate has been boosted upto a tune of Rs.47,282/- resulting loss to the Government exchequer.

b) The agreement period was completed on 17/6/13. Even after expiry of agreement period for nearly 7 months, the contractor has not started the work or not even the contractor has applied any EOT for extending the

agreement period. As per clause 60 of APDSS time shall be considered as the essence of the contract. The Executive Engineer, Minor Irrigation Division, Kadapa has not initiated any action as per clause 60 for delay in commencement of the work, which shows the gross negligence in discharging his duties.

ii) Restoration of Mondri Katla (Yerrakunta) near A.G.Palli Village in Pullampeta Mandal.

a) As per G.O.Ms.No.390, I&CAD(PW:COD) Dept., dt:30.08.1990, the Executive Engineer has to check measure at least once for all individual works costing Rs.1.00 lakh and above. But the Executive Engineer has not check measured the work to ensure quality and quantity of work before making final payment.

b) The physical Verification of work reveals that there are some short fall in measurements (i.e., deficiency in quantity of carted earth for the formation of the bund) which works out Rs.2,25,001/-.

c) Verification of final bill reveals that the seigniorage charges were recovered at normal rate instead of increased rate due to CP&OH and tender percentage and also proposed for less quantities than the actual executed quantity of earth which works out Rs.33,712/-.

d) The bund is restored without any escape structure which can lead to breaching of bund during heavy floods.

e) The rough stone pitching was executed at the end of the bund which will not serve the intended purpose and the expenditure of Rs.133444.80 incurred on it, is wasteful.

f) Verification of Q.C Certificate and abstract of M.Book reveals that the field officers have produced a forged fake Q.C Certificate for the bill for making payment to the contractor.

G) The work was sanctioned as "Restoration of Mondri katla (Yerrakunta) near AG Palli in Pullampeta Mandal" which is not located near A.G.Palli and it is located in the foreshore of Chukkampalli tank near Kottalapalli of Ramasamudram GP to create an Ayacut of 60 acres. But no ayacut can be developed by restoration of this tank as the sanctioned work is located in the foreshore of the Chukkampalli Tank.

iii) Restoration of Chennapakunta near Mugavaripalli Village in Penagalur Mandal.

a) the physical Verification of said work reveals that there are some short fall in measurements (i.e., deficiency in quantity of carted earth for the formation of the bund) which works out Rs.1,11,321/-.

b) Verification of final bill reveals that the seigniorage charge were recovered at normal rate instead of increased rate due to CP&OH and tender percentage and also proposed for less quantities than the actual executed of quantity of earth which works out Rs.60,462/-

c) The Executive Engineer, MI division, Kadapa has granted the EOT from 10/1/2013 to 30/6/2013 without any liquidated damages for simple reason labour problem duly violating the clause 59 of APDSS. Hence, an amount of Rs.84664.00 is proposed as recovery towards liquidated

damages as per agreement clause 14.7 for the value of work done beyond agreement period.

d) The bund is strengthened to a level of (+) 100.50 m i.e., up to MWL(+) 100.60 m instead of TBL of (+) 101.50m which may result overtopping of the bund during heavy floods and may lead to breaching of the bund.

e) Recommended payment without any Q.C Certificate.

iv) Restoration of Venkataaiah Kunta near Kandraripalli, Ho. Devamachupalli in Chitvel Mandal.

a) Due to excess rate of Cement i.e., Rs.5,500/- per MT instead of Rs.4,400/- per MT, adding the seigniorage charges in the basic material cost, Non deduction of initial 1Km lead charges from the total lead charges and adoption of inappropriate data for restoration of bund with carted earth, the estimate has been boosted upto a tune of Rs.65,676/- resulting loss to the Government exchequer.

b) The agreement period was completed on 30/3/2013 in the said work. Even after expiry of agreement period nearly 10 months, the contractor has not started the work or not even the contractor has applied any EOT for extending the agreement period. As per clause 60 of APDSS time shall be considered as the essence of the contract. The Executive Engineer, Minor Irrigation Division, Kadapa has not initiated any action as per clause 60 for delay in commencement of the work which shows the gross negligence in discharging his duties.

3) The Executive Engineer has failed to take action against the contractor for delay in commencement of works, sanctioned improper estimates without proper investigation, not check measured the works as per norms, recommended payments for sub standard work and with forged Q.C. Certificate, allowed the execution of bund without any escape structure and furnished false information to the V&E Officials.

4) Thus, the said officer has failed to perform his duties in time which amounts to dereliction of duties leading to misconduct in violation of Rule (3) of APCS (conduct) Rules 1964.

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER.

ANNEXURE – III

List of Documents by which the Articles of charges framed against Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor are proposed to be sustained:-

List of Documents:-

1. The General Administration (Vig.&Enft.)Department, Vig. Report no.28 (C.No.773/ V&E/E1/2013), dt: 31.10.2014.

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER.

ANNEXURE – IV

List of Witnesses by whom the Articles of charges framed against Sri Nallagonda Venkata Sairam Prasad, Executive Engineer, Irrigation Circle, Chittoor are proposed to be sustained:

List of Witnesses:-

1. The Vigilance & Enforcement officials who have verified the work.

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER.